

EXHIBIT N

From: [Foley, Thomas F.](#)
To: [Gelwicks, Daniel](#); [E. Bradley Evans](#); [Joseph A. Schouten](#); [Targowska, Anna](#); [Lucia, Jamie](#); [Hibey, James](#); [SJAquestiveNC](#); [Abramic, John](#); ["Susan J. St. Clair"](#)
Cc: [Freeman, Kia](#); [Proctor, Wyley](#); [psiddoway@sagepat.com](#); [lborchers@sagepat.com](#)
Subject: RE: Indivior et al. v. BDSI (5:15-cv-350) / Aquestive v. BDSI (5:19-505)
Date: Sunday, January 23, 2022 7:26:11 PM
Attachments: [image001.png](#)

Dan,

In separate emails today, we are providing access to a document production in each of the subject cases that includes documents maintained by ARx but under the control of BioDelivery relating to work done by ARx for BioDelivery.

In view of this production, we reiterate our request that plaintiffs withdraw their subpoenas to ARx at least until the requests for documents have been narrowed and in order to avoid duplication and undue burden on third-party ARx.

Best regards,
Tom



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From: Gelwicks, Daniel <dgelwicks@Steptoe.com>
Sent: Tuesday, January 18, 2022 6:41 PM
To: Foley, Thomas F. <tfoley@McCarter.com>; E. Bradley Evans <EBE@wardandsmith.com>; Joseph A. Schouten <JAS@wardandsmith.com>; Targowska, Anna <atargowska@Steptoe.com>; Lucia, Jamie <jlucia@Steptoe.com>; Hibey, James <jhibey@steptoe.com>; SJAquestiveNC <SJAquestiveNC@Steptoe.com>; Abramic, John <jabramic@Steptoe.com>; 'Susan J. St. Clair' <SJS@wardandsmith.com>
Cc: Freeman, Kia <KFreeman@McCarter.com>; Proctor, Wyley <wproctor@McCarter.com>; psiddoway@sagepat.com; lborchers@sagepat.com
Subject: RE: Indivior et al. v. BDSI (5:15-cv-350) / Aquestive v. BDSI (5:19-505)

****External Message****

Tom,

Thank you for your email regarding the third party subpoenas to ARx. While we certainly are not interested in unnecessarily burdening third parties with discovery, we cannot agree to your proposal to not serve or suspend the deadlines at this stage.

First, the subpoenas were served on ARx last Wednesday, January 12th. Second, your communication provides no assurances as to (1) when the documents maintained by ARx but under the control of BioDelivery will be

produced, or (2) whether the scope of the production will truly obviate the need for the document requests to ARx or allow for some narrowing of the document requests to ARx. Nonetheless, we are willing to work with ARx on appropriate adjustments to the extent BDSI's upcoming production fully satisfies the document requests.

Best,
Dan

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From: Foley, Thomas F. <tfoley@McCarter.com>

Sent: Thursday, January 13, 2022 9:06 AM

To: E. Bradley Evans <EBE@wardandsmith.com>; Joseph A. Schouten <JAS@wardandsmith.com>; Targowska, Anna <atargowska@Step toe.com>; Lucia, Jamie <jluccia@Step toe.com>; Hibey, James <jhibey@step toe.com>; SJAquestiveNC <SJAquestiveNC@Step toe.com>; Abramic, John <jabramic@Step toe.com>; 'Susan J. St. Clair' <SJS@wardandsmith.com>

Cc: Freeman, Kia <KFreeman@McCarter.com>; Proctor, Wyley <wproctor@McCarter.com>; psiddoway@sagepat.com; lborchers@sagepat.com

Subject: Indivior et al. v. BDSI (5:15-cv-350) / Aquestive v. BDSI (5:19-505)

Re: *Indivior, Inc. and Aquestive, Inc. v. BioDelivery Sciences International, Inc.*, Action No. 5:15-cv-350 (E.D.N.C)
Aquestive Therapeutics, Inc. v. BioDelivery Sciences International, Inc., Action No. 5:19-505 (E.D.N.C)

Dear Counsel:

We have received Plaintiffs' notices of third-party subpoenas to ARx, LLC. BioDelivery is currently in the process of producing a substantial number of documents maintained by ARx but under the control of BioDelivery relating to work done by ARx for BioDelivery. We expect that this production will provide sufficient discovery as to ARx's activities for BioDelivery to either obviate the need for the document request to ARx, or, at a minimum, permit Plaintiffs to substantially narrow their requests.

In view of this upcoming production and in order to avoid duplication and undue burden on third-party ARx, we request that Plaintiffs forgo serving the subpoenas until they have had an opportunity to review the forthcoming production. In the event that the subpoenas have been served, we would request that Plaintiffs inform ARx that Plaintiffs will suspend the deadlines on the subpoenas.

Please let us know whether Plaintiffs agree with this proposal.

Best regards,
Tom



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